

City of San Marino AGENDA REPORT



*Eugene Sun
Mayor*

*Dennis Kneier
Vice Mayor*

*Richard Sun, DDS
Council Member*

*Richard Ward
Council Member*

*Allan Yung, MD
Council Member*

TO: MAYOR AND CITY COUNCIL

FROM: MATT BALLANTYNE, CITY MANAGER

BY: CINDY COLLINS, ASSISTANT CITY MANAGER
RON SERVEN, ADMINISTRATIVE SERVICES MANAGER

DATE: NOVEMBER 12, 2009

SUBJECT: **ORDINANCE NOS. O-09-1219 AND O-09-1220 – AMENDMENT TO
THE SAN MARINO CITY CODE ESTABLISHING A WATER CONSERVATION
PROGRAM AND GUIDELINES AND AMENDMENT TO THE EXISTING
ADMINISTRATIVE CITATION ORDINANCE (FIRST READING)**

BACKGROUND

The State of California will be imposing water conservation practices in accordance with Assembly Bill 1881 (AB 1881) effective January 1, 2010. Local agencies that do not adopt their own Model Water Conservation Ordinances before January 1, 2010 will be mandated to abide by the state requirements which may not conform to the needs of the City of San Marino.

At the May 22, 2009 Study Session, staff introduced water conservation guidelines that Metropolitan Water District had provided in an effort to help cities prepare a City water ordinance. Staff received input and made modifications to the draft ordinance. At the September 14, 2009 City Council meeting, the first reading of the ordinance was conducted. Staff received a large amount of input from the public and City Council. The public expressed concerns regarding several aspects of the ordinance, however, the most concerning was the mandatory levels that imposed severe restrictions without the opportunity to consider individual circumstances and the specific details of the requirements. Staff reviewed the input and determined that the original proposed ordinance would need a complete revision to meet this community's needs and that of the State. Staff pulled the item at the October 14, 2009 City Council meeting and indicated that a revised ordinance would be brought back to City Council at the November 12, 2009 meeting for first reading.

Staff has prepared an ordinance for Council consideration. The proposed ordinance only includes voluntary efforts of conservation. In the event severity of the water shortages increases, City Council could consider transforming the voluntary measures into mandatory measures. This ordinance has eliminated the escalating mandatory levels of severity.

Should the voluntary efforts become mandatory, the enforcement will be on complaint basis and the responsibility of the City. Violations of the water conservation regulations will be subject to administrative citations pursuant to Section 1.06.01 of the San Marino Municipal Code.

Staff has sent this modified ordinance to Metropolitan Water District, Cal American Water Co. and the City Attorney. All have approved the content. Staff has also communicated to these agencies that if water shortages become more severe and stronger measures need to be adopted. The Council would consider future amendments to the code and initiate the public hearing process.

FISCAL IMPACT

The proposed Water Conservation Ordinance will have no fiscal impact on the City's current operating budget.

RECOMMENDATION

Staff recommends the introduction of Ordinance Nos. O-09-1219 and O-09-1220 on first reading. If Council concurs, the appropriate action would be:

A motion to read by title only and introduce Ordinance Nos. O-09-1219 and O-09-1220.

Attachments: Ordinance No. O-09-1219
Ordinance No. O-09-1220